

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1043 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person desiring
- 4 a license to carry a handgun shall apply:
- 5 (1) to the chief of police or corresponding law enforcement officer
- 6 of the municipality in which he resides;
- 7 (2) if that municipality has no such officer, or if the applicant does
- 8 not reside in a municipality, to the sheriff of the county in which
- 9 he resides after he has obtained an application form prescribed by
- 10 the superintendent; or
- 11 (3) if he is a resident of another state and has a regular place of
- 12 business or employment in Indiana, to the sheriff of the county in
- 13 which he has a regular place of business or employment.
- 14 (b) The law enforcement agency ~~which that~~ accepts an application
- 15 for a handgun license shall collect a ten dollar (\$10) application fee
- 16 **from the applicant**, five dollars (\$5) of which shall be refunded **to the**
- 17 **applicant by the law enforcement agency** if the license is not issued.
- 18 Except as provided in subsection (g), the fee shall be:
- 19 (1) deposited into the law enforcement agency's firearms training
- 20 fund or other appropriate training activities fund; and
- 21 (2) used by the agency for the purpose of:
- 22 (A) training law enforcement officers in the proper use of
- 23 firearms or other law enforcement duties; or
- 24 (B) purchasing for the law enforcement officers employed by

1 the law enforcement agency firearms, or firearm related
2 equipment, or both.

3 The state board of accounts shall establish rules for the proper
4 accounting and expenditure of funds collected under this subsection.

5 (c) The officer to whom the application is made shall ascertain
6 concerning the applicant his name, full address, length of residence in
7 the community, whether his residence is located within the limits of
8 any city or town, occupation, place of business or employment,
9 criminal record, if any, and convictions (minor traffic offenses
10 excepted), age, race, sex, nationality, date of birth, citizenship, height,
11 weight, build, color of hair, color of eyes, scars and marks, whether the
12 applicant has previously held an Indiana license to carry a handgun
13 and, if so, the serial number of the license and year issued, whether his
14 license has ever been suspended or revoked, and if so, the year and
15 reason for the suspension or revocation, and the applicant's reason for
16 desiring a license. The officer to whom the application is made shall
17 conduct an investigation into the applicant's official records and verify
18 thereby the applicant's character and reputation, and shall in addition
19 verify for accuracy the information contained in the application, and
20 shall forward this information together with his recommendation for
21 approval or disapproval and one (1) set of legible and classifiable
22 fingerprints of the applicant to the superintendent.

23 (d) The superintendent may make ~~whatever~~ further investigation. ~~he~~
24 ~~deems necessary.~~ Whenever ~~disapproval is recommended,~~ the officer
25 to whom the application is made **recommends disapproval of the**
26 **application, the officer** shall provide the superintendent and the
27 applicant with his complete and specific reasons, in writing, for the
28 recommendation of disapproval.

29 (e) If it appears to the superintendent that the applicant has a proper
30 reason for carrying a handgun and is of good character and reputation
31 and a proper person ~~to be so licensed, he~~ **(as defined in IC 35-47-1-7),**
32 **the superintendent** shall issue to the applicant a qualified or an
33 unlimited license to carry any handgun lawfully possessed by the
34 applicant. The original license shall be delivered to the licensee. A
35 copy shall be delivered to the officer to whom the application for
36 license was made. ~~A copy shall be retained by the superintendent~~ **The**
37 **superintendent shall retain a copy** for at least four (4) years. This
38 license shall be valid for ~~a period of~~ four (4) years from the date of
39 issue. The license of police officers, sheriffs or their deputies, and law
40 enforcement officers of the United States government who have been
41 honorably retired by a lawfully created pension board or its equivalent
42 after twenty (20) or more years of service, shall be valid for the life of
43 such individuals. However, such lifetime licenses are automatically
44 revoked if the license holder does not remain a proper person.

45 (f) A license to carry a handgun shall not be issued to any person
46 who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age ~~if the person and~~ has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), **the superintendent may issue** a license to carry a handgun ~~may be issued to a person who has been acquitted upon the person's acquittal~~ of the specific offense charged or ~~if upon dismissal of the charges for the specific offense. are dismissed.~~ The superintendent shall prescribe all forms to be used in ~~connection with~~ the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(h) A license to carry a handgun may not be more than two and one-fourth (2 1/4) inches in length by three and one-half (3 1/2) inches in width.

(i) The superintendent shall prescribe specifications for the form of a license issued under this section.

SECTION 2. IC 35-47-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) A person who violates section 3, 4, ~~5~~, 14, 15, or 16 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.

(c) A person who violates section 1 **or 25** of this chapter commits a Class A misdemeanor. However, ~~the offense violation of section 1 of this chapter~~ is a Class C felony:

- (1) if the offense is committed:
 - (A) on or in school property;
 - (B) within one thousand (1,000) feet of school property; or
 - (C) on a school bus; or
- (2) if the person:
 - (A) has a prior conviction of any offense under:
 - (i) this subsection; or
 - (ii) subsection (d); or
 - (B) has been convicted of a felony within fifteen (15) years before the date of the offense.

(d) A person who violates section 22 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or

subsubsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

SECTION 3. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 25. Whenever a person seeks to secure delivery of ammunition for a handgun from another person, the following requirements must be met:**

(1) The recipient of the handgun ammunition must present to the transferor of the handgun ammunition:

(A) the recipient's license issued under this chapter if the recipient is required to obtain a license to carry a handgun; and

(B) a copy of the federal handgun transfer application form for each handgun that the recipient:

(i) possesses; and

(ii) may use with the ammunition the recipient seeks to procure.

(2) The transferor of handgun ammunition:

(A) shall record:

(i) the full name and serial number listed on the recipient's license;

(ii) the manufacturer's serial number for the handgun listed on each federal handgun transfer application form provided by the recipient; and

(iii) the amount, type, and brand name of ammunition to be transferred;

(B) must receive all the information required under subdivision (1) before transferring the ammunition; and

(C) must forward a copy of the information received under subdivision (1) to the superintendent after the transferor delivers the ammunition to the recipient.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The superintendent of the state police department shall adopt rules under IC 4-22-2 to implement IC 35-47-2-3, as amended by this act, before July 1, 2001.**

(b) This SECTION expires July 1, 2001.

SECTION 5. [EFFECTIVE JULY 1, 2001] **IC 35-47-2-3, as**

amended by this act, applies to licenses to carry handguns that are issued or renewed under IC 35-47-2 after June 30, 2001.

SECTION 6. An emergency is declared for this act.

(Reference is to HB 1043 as printed February 22, 2001.)

Representative Smith V